

**REMARKS**

In view of the foregoing amendments and the following remarks it is respectfully submitted that all of the presently pending claims are allowable and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received in the parent application.

**Status of the Claims**

Claims 25 to 60 are pending in the present application. Claims 1 to 24 were cancelled, without prejudice, by previous amendment. Claims 49 and 60 have been amended herein without prejudice to correct typographical errors. No new matter has been added.

**Objection to the Specification**

The specification was objected to for lacking standard section headings. Applicants respectfully invite the Examiner's attention to the Preliminary Amendment filed September 8, 2004 in which the Specification was amended to include appropriate section headings. Withdrawal of the objection to the Specification is respectfully requested.

**Claim Objections**

Claims 49, 50 and 60 were objected to because of informalities. Claim 49 has been amended, without prejudice, as suggest in the Office Action. Claim 50 is properly dependent

from amended claim 49. Claim 60 has been amended, without prejudice, to be dependent from claim 59 and therefore is in proper dependent form. Withdrawal of the claim objections is respectfully requested.

**Rejections under 35 U.S.C. § 112, Second Paragraph**

Claims 25 to 60 were rejected under 35 U.S.C. § 112, second paragraph as indefinite. Specifically, the Office Action alleges at pages 3 to 4 that the recitation of “a third time source of the plurality of first time sources” in claims 25 and 53 is unclear “since the preceding text of each claim fails to describe and differentiate first and second time sources from a third time source.” Applicants respectfully disagree with the merits of this rejection. The meaning of the claimed features is quite clear, particularly when viewed in light of the Specification. For example, the Specification clearly indicates at page 3, paragraph [0015], that the present invention is based on providing “a plurality of independent time sources at the individual measuring computers.” The Specification goes on to identify the individual time sources that may be associated with a measuring computer. *See* Specification, paragraphs [0017] to [0026]. The phrase “a third time source” clearly refers to one of the plurality of time sources identified in the Specification as associated with a measurement computer. Accordingly, Applicants submit that claims 25 to 60 are definite in accordance with 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of all rejections under 35 U.S.C. § 112, second paragraph is respectfully requested.

**Rejections under 35 U.S.C. §103(a)**

Claims 25 to 34, 40, 41, 43 to 49 and 51 to 60 were rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of U.S. Patent No. 6,236,623 ("Read et al.") and alleged admitted prior art contained in the Specification at pages 1 to 3, paragraphs [0001] to [0012] ("the Alleged Prior Art Admissions"). Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Read et al., the Alleged Prior Art Admissions and nonpatent literature "Internet Time Synchronization: The Network Time Protocol," by David L. Mills ("Mills-I"). Claims 35 to 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Read et al., the Alleged Prior Art Admissions and nonpatent literature "Adaptive Hybrid Clock Discipline Algorithm for the Network Time Protocol," by David L. Mills ("Mills-II"). Claim 39 was rejected under 35 U.S.C. §103(a) as being unpatentable over Read et al., the Alleged Prior Art Admissions and U.S. Patent No. 5,694,537 ("Montenegro et al."). Applicants respectfully submit that claims 25 to 49 and 51 to 60 are patentable for at least the following reasons.

As an initial matter, Applicants traverse all assertions in the Office Action of admissions of prior art by Applicants. For example, Applicants traverse the assertion in the Office Action that Applicants have admitted that pages 1 to 3 of the Specification, paragraphs [0001] to [0012], constitute prior art.

Claims 25 and 53 recite a plurality of first time sources associated with a first measuring computer and selecting, using the first computer, a third time source of the plurality of first time sources as a function of an accuracy of the third time source. Applicants respectfully submit that none of Read et al., the Alleged Prior Art Admissions, Mills-I, Mills-II or Montenegro et al. disclose or suggest at least the aforementioned features of claims 25 and 53.

Read et al. describe a master control device, with an internal clock, which communicates with slave control devices. Col. 1, lines 55 to 58. The master control device causes the clocks within each slave control device to essentially synchronize with the master control device's internal clock. Col. 1, lines 57 to 60. The master control device commands and/or monitors events at each of the control slave devices. Col. 1, lines 62 to 63. The slave control devices are controllers having internal clocks that are responsive to messages from the master control device and include interfaces to monitor local events. Col. 1, line 62 to 67. The master control device also determines the transit time, *i.e.*, communication delays to each of the slave control devices and interprets and/or adjusts any event times.

The master control device described in Read et al. is not a **measurement computer** with a plurality of time sources **that selects one of the plurality of time sources as a function of an accuracy of the time source**, as recited in claims 25 and 53. Contrary to the assertion of the Office Action, the measurement control device of Read et al. is not a measurement computer having the features recited in claims 25 and 53. *See* Office Action, page 4, citing col. 1, lines 55 to 65, col. 2 lines 5 to 7 and 65 to 67 and col. 9, lines 43 to 55 and Figure 8; and Office Action, page 11 identifying the master control device 12 appearing in Figure 1 as a first measuring computer. Instead, the master control device described in Read et al. synchronizes the clocks of the slave control devices with its clock and commands and monitors events at each of the control slave devices. The actual slave devices, which have an internal clock, monitor local events. *See* Read et al., Col. 1, lines 55-65. Moreover, neither the master control device nor the slave control devices described in Read et al. select from one of a plurality of time sources as a function of an accuracy of the time source as recited in claims 25 and 53. Neither the Alleged Prior Art

Admissions, Mills-I, Mills-II nor Montenegro et al. are relied on for disclosing or suggesting the aforementioned features of claims 25 and 53. Indeed, it is respectfully submitted that none of the Alleged Prior Art Admissions, Mills-I, Mills-II or Montenegro et al. disclose at least these features of claims 25 and 53. Because all of Read et al., the Alleged Prior Art Admissions, Mills-I, Mills-II and Montenegro et al. fail to disclose or suggest at least the features of a measurement computer with a plurality of time sources that selects one of the plurality of time sources as a function of an accuracy of the time source, as recited in claims 25 and 53, it respectfully submitted that these references, whether taken alone or in combination, could not render claims 25 and 53, or any of their dependent claims, unpatentable. Accordingly, withdrawal of the rejections of claims 25 to 49 and 51 to 60 under 35 U.S.C. § 103(a) is respectfully requested.

#### **Allowable Subject Matter**

Applicants note with appreciation the indication of allowable subject matter contained in claim 50. For at least the reasons set forth above relative to independent claim 25 and its dependent claims, Applicants respectfully submit that claim 50 is in condition for immediate allowance.

**CONCLUSION**

In view of the foregoing it is believed that the presently pending claims are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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